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"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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June 4, 2021

VIA ECF

Hon. Richard Mark Gergel
U.S. District Court for the District of South Carolina
J. Waite Waring Judicial Center
83 Meeting Street
Charleston, South Carolina 29401

Re: *In re AFFF Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG

Dear Judge Gergel:

On behalf of the Plaintiffs Executive Committee (“PEC”) and counsel for Defendant Dynax Corporation (the “Parties”), we write to provide an update to the Court regarding the Parties’ efforts to resolve their discovery dispute relating to the PEC’s request for deposition testimony concerning Dynax’s sales information, and Dynax’s objection to this deposition, which was the subject of a Joint Submission by the Parties, dated May 28, 2021 (“Joint Submission”) [ECF No. 1655].

Since the filing of the Joint Submission, on June 1, 2021, the PEC served its proposed written discovery regarding sales data, and the Parties have come to the following agreement: Defendant Dynax Corporation (“Dynax”) will respond to the written discovery served by the PEC on June 1, 2021, and, in exchange, the PEC agrees to withdraw its May 10, 2021, Fed. R. Civ. 30(b)(6) notice of deposition.¹

Although Dynax does not agree that the PEC’s written discovery served on June 1, 2021 is relevant to its pending personal jurisdiction motions, in order to avoid further dispute, the Parties have agreed that Plaintiffs’ oppositions to the below identified motions to dismiss will be due two weeks following receipt of Dynax’s responses to the June 1, 2021, written discovery, including any document production(s):

- Dynax Corporation’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) with the following ECF Nos:
 - ECF No. 1284;
 - ECF No. 1285;
 - ECF No. 1286;
 - ECF No. 1287;
 - ECF No. 1288; and
 - ECF No. 1289.

¹ Both Parties reserve all rights regarding any potential discovery disputes that might arise with respect to the sufficiency of the forthcoming written discovery responses..



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In light of the foregoing agreement between the Parties, and with the consent of counsel for Dynax, the PEC respectfully requests that the Court enter an Order permitting Plaintiffs to file their oppositions to Dynax's motions to dismiss, identified above, two weeks following receipt of Dynax's responses to the June 1, 2021, written discovery, including any document production(s).

We thank the Court for its continued time and courtesies.

Respectfully submitted,

s/ Fred Thompson

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-and-

s/ Addie K.S. Ries (by permission)

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cc: All Counsel of Record (by ECF)
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